

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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EZRA BAPTIST, JULIET PEARCE, MARGARET LEWIS,
JAMIE SANIN, CAROLYN LECHUSZAAQUALLO,
and CHELSEA VILLALBA, on their own and on behalf
of a class of similarly situated individuals who suffered
excessive force during their unlawful arrests, and
MICHELLE RIDDELL, on her own and on behalf of a
class of similarly situated individuals unlawfully
arrested,

Plaintiffs,

24 CV 1478 (AMN)(TWD)

**AFFIRMATION OF MICHAEL
SUSSMAN, ESQ.**

vs.

DARRELL P. WHEELER in his individual capacity,
SHERIFF JUAN FIGUEROA, in his individual capacity,
OLIVIA BACHOR and THOMAS BRUSCA, as
representatives of a defendant class of New York
State Police Officers who violated plaintiffs' rights
as set forth herein and who are sued in their individual
capacities, DEPUTY SHERIFF HARDER, as a
representative of a defendant class of members of
the Ulster County Sheriff's Office who violated
plaintiffs' rights as set forth herein and who are sued
in their individual capacities, PO J. YUKOWEIC, Shield
No. 16, as a representative of the class of members
of the New Paltz State University Police who violated
plaintiffs' rights as set forth herein and are sued in
their individual capacities,

Defendants.

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STATE OF NEW YORK)
) ss:s.
COUNTY OF ORANGE)

Michael H. Sussman, an attorney admitted to practice law in this Honorable Court and in good standing to do so, hereby states and affirms under the pains and penalties of perjury:

1. I am lead counsel for plaintiffs in this matter and make this Affirmation to my personal knowledge following my review of our office file.
2. Exhibit 1 hereto is a true and accurate copy of a statement released by defendant Sheriff Figueroa relevant to the pending motion and to his personal involvement in pertinent events. For reasons set forth in our Memorandum of Law, this Court may now consider its contents.
3. I have reviewed the appearance tickets provided my clients; they were not charged with being on campus after a certain hour, as defendants' submission suggests; nor do the available audio recordings suggest that defendants advised plaintiffs of any such "curfew" of 10:00 pm on the campus.

Dated: April 25, 2025



MICHAEL H. SUSSMAN, ESQ.

EXHIBIT 1

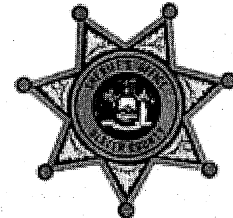


Ulster County Sheriff's Office

May 6, 2024



OFFICE OF THE
SHERIFF
ULSTER COUNTY



Statement from the Sheriff:

"On May 1, 2024, at SUNY New Paltz campus, a group of demonstrators violated campus rules and protocols by establishing an unauthorized encampment. The demonstrators consisted of students and non-students not affiliated with the college, as well as non-residents of Ulster County. Demonstrators were repeatedly asked over a 24-hour period to peacefully dismantle their tents and vacate the area. The SUNY New Paltz administration and police reminded them of the proper procedures necessary to exercise their First Amendment rights at SUNY New Paltz and suggested alternative locations, all of which were refused unless their demands were met.

Despite continuous requests from SUNY New Paltz, the demonstrators refused to adhere to proper procedures and protocols for using campus property. Numerous complaints were received from non-participating students and their parents, expressing the demonstrators were disrupting their education. Despite warnings, the demonstrators expanded their encampment near Gage Hall, well beyond the permitted designated free speech zone and caused it to be an unlawful assembly.

On May 2, 2024, at the request of the SUNY administration, a joint command center was established involving SUNY New Paltz University Police, New York State Police, Ulster County Sheriff's Office, and New Paltz Police Department to address the situation. Multiple announcements were made via loudspeaker, warning demonstrators of the unlawfulness of their presence and requested peaceful dispersal. Despite ample warnings, the demonstrators chose not to comply.

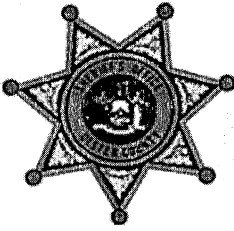
Law enforcement entered the area and arrested 132 individuals without resorting to pepper spray and tasers. During the arrests, batons were displayed but not used to strike individuals. However, conversely, demonstrators retaliated by throwing glass bottles at officers, injuring one Trooper who required hospitalization. Additionally, during an arrest one civilian was injured and transported to a local hospital.

I am a firm believer in our first amendment rights; freedom of speech is a pillar of freedom. Rules and laws must be abided by to avoid this being a detriment to others."

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